

September 1, 2005

VIA ELECTRONIC FILING

Marlene H. Dortch, Secretary
Federal Communications Commission
The Portals
445 12th Street, S.W.
Washington, D.C. 20554

Re: **Subscriber Acknowledgement Report (September 1, 2005)**
Florida Digital Network, Inc. and Southern Digital Network, Inc.
WC Docket No. 05-196

Dear Ms. Dortch:

Florida Digital Network, Inc. ("FDN") and Southern Digital Network, Inc. ("SDN"), (together, "Companies"), through undersigned counsel and in response to the Commission's VoIP E911 Order ("Order") and the Public Notice issued by the Enforcement Bureau ("Bureau") on August 26, 2005 ("Public Notice"), submit this Subscriber Acknowledgement Report ("Report") to advise the Commission of the status of the Companies' efforts to comply with Commission Rule 9.5(e). FDN and SDN previously filed a Subscriber Acknowledgement Report on August 10, 2005 in response to the Bureau's July 26, 2005 Public Notice ("August 10 Report").

As requested in the Public Notice, the Companies respond to the following questions set out in the Public Notice:

- 1) **A detailed explanation regarding current compliance with the notice and warning sticker requirements *if* the provider did not notify and issue warning stickers or labels to 100% of its subscribers by the July 29, 2005 deadline. Providers expected to update this information include those that were in the process of providing notice and/or stickers to their subscribers, but had not completed the process by July 29, 2005.**

As detailed in the August 10 Report, FDN and SDN sent via U.S. mail to every one of its VoIP subscribers of record as of August 8, 2005 a mailing that consisted of (a) an E-911 customer notice containing the information required by new Rule 9.5(e)(1) and (b) a warning label as required by new Rule 9.5(e)(3). Further, as of August 15, 2005, the Companies sent required

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E911 customer notifications to new VoIP subscribers that signed up for service after the initial notice was mailed. The notice sent to FDN and SDN customers requested that the VoIP subscriber provide an affirmative acknowledgement by either returning an executed acknowledgement form included in the mailing or completing an acknowledgement form on the Internet.

- 2) A quantification of the percentage of the provider's subscribers that have submitted affirmative acknowledgements as of the date of the September 1 and September 22 reports, and an estimation of the percentage of subscribers from whom the provider does not expect to receive an acknowledgement by September 28, 2005.**

As of August 30, 2005, the Companies have obtained affirmative acknowledgement from approximately 70.3% of their VoIP subscriber base. The Companies cannot predict with certainty what their final response rate will be, but estimate that 10% of customers will still not have provided affirmative acknowledgement by September 28, 2005.

- 3) A detailed description of any and all actions the provider plans to take towards any of its subscribers that do not affirmatively acknowledge having received and understood the advisory.**

As detailed in the Companies' August 10 Report, FDN and SDN are continuing their campaign to contact and obtain affirmative acknowledgment from all of their subscribers. Between August 30, 2005 and September 28, 2005 FDN and SDN will send out reminder notices and e-mail notices and place follow up calls to VoIP subscribers from which they have not received affirmative acknowledgement. As part of their advisories, FDN and SDN are notifying their VoIP subscribers that service may be restricted if the Companies do not receive affirmative acknowledgement prior to September 28, 2005.

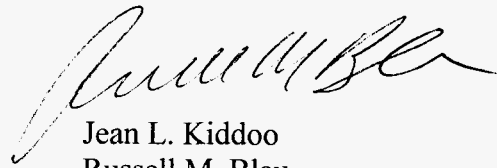
- 4) A detailed description of any and all plans to use a "soft" or "warm" disconnect (or similar) procedure for subscribers that fail to provide an affirmative acknowledgement by September 28, 2005.**

The Companies' goal is to receive acknowledgement from 100% of their VoIP subscribers prior to September 28, 2005. Given that the Public Notice was released less than one week ago, the Companies are still exploring whether and how a "soft" disconnection could be implemented should the FCC clarify that "soft" disconnection is required for non-responsive customers. At this time, the Companies anticipate that under a soft disconnection, non-911 outbound calls could receive a recording that directs the customer to customer service and 911 calls could be routed to 911 just as if the customer's account was in active status.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jean L. Kiddoo".

Jean L. Kiddoo
Russell M. Blau
Wendy M. Creeden

Counsel for Florida Digital Network,
Inc. and Southern Digital Network,
Inc.

cc: Byron McCoy (FCC)
Kathy Berthot (FCC)
Janice Myles (FCC)
Best Copy and Printing, Inc.
Matthew Fiel (FDN)
Timothy Tuck (FDN)

I, Timothy Tuck, state that I am authorized to submit the forgoing *Subscriber Acknowledgement Report* ("*Report*") on behalf of Florida Digital Network, Inc. and Southern Digital Network, Inc.; that the *Report* was prepared under my direction and supervision; and I declare under penalty of perjury that the *Report* is true and correct to the best of my knowledge, information, and belief.



Name: Timothy Tuck
Florida Digital Network, Inc. and Southern Digital
Network, Inc.